

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAPITAL2MARKET CONSULTING, LLC,

Plaintiff,

- against -

CAMSTON WRATHER, LLC,

Defendant.

22 Civ. 7787 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

The Court has reviewed the pre-motion letters exchanged by the parties regarding whether diversity jurisdiction exists in this case and is not persuaded that a pre-motion conference is necessary at this time. (See Dkt. Nos. 9, 14, 15, 17.)

Accordingly, the Court directs the parties to advise whether they consent for the Court to deem the pre-motion letters to constitute a fully briefed motion for remand and rule on the basis of the limited briefs or whether the parties request supplemental or full briefing. If the parties request supplemental or full briefing, they shall submit a proposed briefing schedule within one (1) week of the date of this Order.

The Court further orders defendant Camston Wrather, LLC to submit answers, along with supporting documentation where available, to the following questions within two (2) weeks of

the date of this Order:

(1) Defendant's October 20, 2022 Letter asserts that "[w]hile Plaintiff is correct in identifying that Defendant Camston Wrather, LLC (the California limited liability company whom Plaintiff both contracted with and filed action against) is registered as a foreign entity established in Delaware, the membership of both entities is different. Membership of the California entity is limited to those who actively manage the company – the two principals identified in Defendant's removal papers in ¶2 (Dkt. ## 5-6 and 5-7)." (See Dkt. No. 17, Oct. 20, 2022 Letter, at 3.)

a. Explain what is meant by "both entities," including by identifying the entities and detailing their relationship to one another. (See Dkt. No. 17, Oct. 20, 2022 Letter, at 3.)

b. Identify the complete memberships of "both entities." (See id.) Such identification is not to be limited to actively managing members. (See id.) If the membership of such entities includes limited liability companies, identify the memberships of

those companies.

c. Identify the complete memberships of the "California entity" and the Delaware entity. (See id.) Such identification is not to be limited to actively managing members. (See id.) If the membership of such entities includes limited liability companies, identify the membership of those companies.

d. Explain how the registration of Camston Wrather, LLC with the California Secretary of State as a foreign entity established in Delaware creates a California entity that is separate from the Delaware entity.

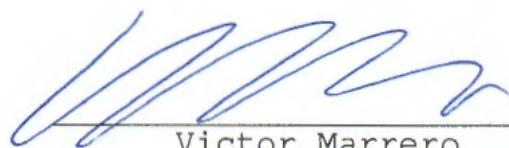
(2) Explain, in detail, "the interest Nancy Hament has in the California Camston Wrather LLC entity." (See Dkt. No. 14, Oct. 7, 2022 Letter, at 2-3.)

(3) Explain the basis for the statement "[i]n or around July 2014, Defendant Camston Wrather, LLC was formed as a limited liability company in the State of California." (See Dkt. No. 5, Sept. 15, 2022, Notice

of Removal, at ¶ 15.)

SO ORDERED.

Dated: 18 November, 2022
New York, New York



Victor Marrero
U.S.D.J.